

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-11131 (TMH)

(Jointly Administered)

Re: Docket No. 1095

**LAVVAN, INC.’S MOTION FOR ENTRY OF AN ORDER
SHORTENING NOTICE AND OBJECTION PERIODS WITH RESPECT TO
MOTION OF LAVVAN, INC. PURSUANT TO BANKRUPTCY RULE 3018(a)
FOR ESTIMATION AND TEMPORARY ALLOWANCE OF CLAIMS
FOR PURPOSES OF VOTING TO ACCEPT OR REJECT THE PLAN**

Lavvan, Inc. (“**Lavvan**”) respectfully represents as follows in support of this motion (the “**Motion to Shorten**”):

BACKGROUND

1. On August 9, 2023 (the “**Petition Date**”), Amyris, Inc. (“**Amyris**”) and its affiliated debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) filed voluntary petitions in this Court commencing cases for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “**Bankruptcy Code**”). The Debtors continue to manage and operate their businesses as debtors in possession under sections 1107 and 1108 of the Bankruptcy Code. No trustee or examiner has been requested in these cases.

2. On December 7, 2023, the Debtors filed the *Debtors’ Objection to Claim Nos. 663 and 666 Filed by Lavvan, Inc.* [Docket No. 839] (the “**Claims Objection**”) and the

¹ A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://cases.stretto.com/amyris>. The location of Debtor Amyris Inc.’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

Debtors' Motion to Estimate Lavvan Intellectual Property Claims [Docket No. 840] (the “**Motion to Estimate**”).

3. On December 12, 2023, the Debtors filed the *Second Amended Joint Plan of Reorganization of Amyris, Inc. and Its Affiliated Debtors, as Modified* [Docket No. 892] (including all exhibits thereto and as amended, modified or supplemented, the “**Plan**”) and the *Disclosure Statement With Respect to Second Amended Joint Chapter 11 Plan of Reorganization of Amyris, Inc. and Its Affiliated Debtors, as Modified* [Docket No. 893] (the “**Disclosure Statement**”).

4. On December 13, 2023, the Court entered an order [Docket No. 897] (the “**Solicitation Procedures Order**”) approving the Plan and Disclosure Statement on an interim basis for solicitation purposes, and approving certain solicitation and vote tabulation procedures.

5. On December 15, 2023, the Court entered an order [Docket No. 919] (the “**Confirmation Discovery Protocols Order**”) approving a schedule and protocols governing confirmation of the Plan and related discovery.

6. Contemporaneously herewith, Lavvan filed the *Motion of Lavvan, Inc. Pursuant to Bankruptcy Rule 3018(a) for Estimation and Temporary Allowance of Claims for Purposes of Voting to Accept or Reject the Plan* [Docket No. 1095] (the “**3018 Motion**”).²

7. As is set forth in greater detail in the 3018 Motion, by such motion, Lavvan is seeking temporary allowance of its Claims solely for purposes of voting to accept or reject the Plan, pursuant to rule 3018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

² Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the 3018 Motion.

JURISDICTION

8. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated as of February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and Lavvan confirms its consent pursuant to Rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”) to the entry of a final order by the Court in connection with this Motion to Shorten to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution. Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

9. By this Motion to Shorten, pursuant to section 105(a) of the Bankruptcy Code, Rule 9006(c)(1) of the Bankruptcy Rules, and Local Rules 9006-1(c) and (e), Lavvan seeks entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), shortening the notice and objection periods with respect to the 3018 Motion so that (a) the hearing on the 3018 Motion is scheduled for January 17, 2024, at a time to be determined (prevailing Eastern Time) (the “**Hearing**”) and (b) the deadline to file objections to the 3018 Motion is set as January 12, 2024, at 4:00 p.m. (prevailing Eastern Time).

BASIS FOR RELIEF REQUESTED

10. Local Rule 9006-1(c)(i) provides that, unless the Bankruptcy Rules or the Local Rules state otherwise, “. . . all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fourteen (14) days prior to the hearing date.” Local Rule 9006-1(e)

further provides in relevant part that “no motion will be scheduled on less notice than required by these Local Rules or the Fed. R. Bankr. P. except by Order of the Court, on written motion . . . specifying the exigencies justifying shortened notice.” Del. Bankr. L.R. 9006-1(e); *see also* Fed. R. Bankr. P. 9006(c)(1) (“[T]he court for cause shown may in its discretion with or without motion or notice order the period reduced.”). Local Rule 9006-1(c)(ii) requires that “the deadline for objection(s) shall be no later than seven (7) days before the hearing date.” Del. Bank. L.R. 9006-1(c)(ii).

11. Lavvan submits that good cause exists to expedite consideration of the 3018 Motion. Pursuant to the Confirmation Discovery Protocols Order and the Solicitation Procedures Order, the deadline for claimants to file rule 3018 motions is January 5, 2024 at 5:00 p.m. (prevailing Eastern Time) so Lavvan has timely filed such a motion today. The Solicitation Procedures Order also provides that the Court shall schedule a hearing on any 3018 motions filed “for a date on or prior to the Confirmation Hearing.” Solicitation Procedures Order ¶ 23(d). There is a pretrial confirmation conference (the “**Pretrial Conference**”) currently scheduled for January 17, 2024, at a time to be determined. *See* Confirmation Discovery Protocols Order ¶ 4. If the 3018 Motion is not heard at the Pretrial Conference, there will not be another opportunity for the 3018 Motion to be heard prior to the hearing for the Court to consider confirmation of the Plan (the “**Confirmation Hearing**”), which is currently scheduled to begin on January 24, 2024. In order for the Court to consider the 3018 Motion prior to the Confirmation Hearing, the 3018 Motion should be heard at the Pretrial Conference. Accordingly, Lavvan respectfully submits that consideration of the 3018 Motion on shortened notice as set forth herein is reasonable and appropriate under the circumstances.

COMPLIANCE WITH LOCAL RULE 9006-1(E)

12. Prior to filing this Motion to Shorten, and pursuant to Local Rule 9006-1(e), counsel to Lavvan notified: (a) counsel to the Debtors, (b) counsel to the official committee of unsecured creditors (the “**Creditors’ Committee**”), and (c) the Office of the United States Trustee for the District of Delaware (the “**U.S. Trustee**”). The U.S. Trustee informed Lavvan that it does not object to the relief requested herein. At the time this Motion to Shorten was filed, Lavvan had not yet received a response from counsel to the Debtors and counsel to the Creditors’ Committee regarding their positions with respect to the relief requested herein.

NOTICE

13. Notice of this Motion to Shorten will be provided to the same parties that received service of the 3018 Motion. Lavvan respectfully submits that no further notice is required.

NO PREVIOUS REQUEST

14. No previous request for the relief sought herein has been made by Lavvan to this or any other court.

WHEREFORE Lavvan respectfully requests entry of the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

Dated: January 5, 2024
Wilmington, Delaware

Respectfully submitted,

/s/ Emily R. Mathews

Russell C. Silberglied (No. 3462)

Cory D. Kandestin (No. 5025)

Emily R. Mathews (No. 6866)

RICHARDS, LAYTON & FINGER, P.A.

One Rodney Square

920 North King Street

Wilmington, Delaware 19801

Telephone: (302) 651-7700

Facsimile: (302) 651-7701

Email: silberglied@rlf.com
kandestin@rlf.com
mathews@rlf.com

-and-

Jason Cyrulnik

Paul Fattaruso

CYRULNIK FATTARUSO LLP

55 Broadway, Third Floor

New York, NY 10006

Telephone: (646) 844-2466

Email: jcyrulnik@cf-llp.com
pfattaruso@cf-llp.com

Counsel for Lavvan, Inc.